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United States Senate

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December 1, 2004

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Federal Communications Commission
Office of the Secretary

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The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Rulemaking 03-103 Concerning Air-to-Ground Spectrum

Dear Chairman Powell:

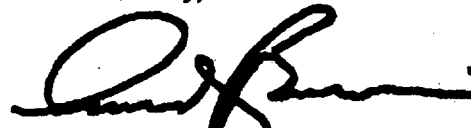
I am writing this letter on the above-referenced rulemaking to revise the rules for the spectrum allocated for air-to-ground communications for commercial airlines with the goal of revitalizing the communications services available to the many millions of Americans who fly on our nation's airlines.

I support this effort and want to urge you to adopt rules that facilitate alternatives to the existing high-cost seatback phones still available on some airlines. Passengers on commercial airliners anxiously await the opportunity to use their own phones, laptops and PDA's during flight, and need a new generation of on-board broadband voice and data systems to make this possible.

In order to be certain that the airlines and their passengers get the best array of voice and data services at the lowest possible prices, I encourage you to formulate a policy that promotes competition in air-ground services. I understand that AirCell Inc. and Boeing Corp. jointly have proposed a system that would permit the sharing of the available air-ground spectrum to allow for two licensees and avoid the creation of a monopoly in these services.

The public interest requires that competition in communications services be maximized and that we take all steps to avoid the development of a monopoly that could saddle consumers with the type of high prices and limited innovation we have seen with the existing phone service on our airlines. Accordingly, I urge you to ensure we have competition in air-to-ground services.

Sincerely,



Conrad Burns
United States Senator

cc: Commissioner Abernathy
Commissioner Martin
Commissioner Copps
Commissioner Adelstein

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RECEIVED TIME DEC. 13. 10:47AM

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PRINT TIME DEC. 13. 10:48AM